

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

JACQUES ROY, ET AL.

CRIMINAL NO. 3:12-CR-54-L

**GOVERNMENT'S RESPONSE TO DEFENDANT
CHARITY ELEDA'S MOTION TO SUPPRESS**

Pursuant with the deadline set by the Court, defendant Charity Eleda filed a motion seeking to suppress statements made by Eleda to Texas Department of Aging and Disability Services employee Glory Lutrick in early March 2012.¹ (*See* Dkt. No. 597.) Eleda also seeks to suppress unidentified physical evidence obtained by Ms. Lutrick from Eleda. The government believes that the instant motion is not ripe and/or moot.

As referred to the in the Certificate of Conference attached to Eleda's motion, the government does not intend to call Ms. Lutrick in its case-in-chief or elicit any statements made by Eleda to Ms. Lutrick.

Government counsel requested that the defense identify any specific documents that the defense believes should be suppressed on the basis that they were improperly obtained by Ms. Lutrick and which are now in the prosecution team's possession. Defense counsel could not identify such documents.

¹ This was the only motion filed by any of the four remaining defendants on the November 13, 2015 deadline set by the Court.

In fact, during the conference between government counsel and defense counsel, it appeared that Eleda had provided her counsel with certain documents which had never been seized or obtained by the prosecution team and which the defense has never produced to the government in discovery.² As such, the government stated it could not respond to the defense's motion without greater definition and identification of relevant documents.

During the conference between the parties, government counsel indicated that it did not believe that the instant motion was necessary given the government's position and the lack of clarity as to the subject of the motion. Defense counsel informed the government that it intended to file the motion nonetheless. The government believes that the instant motion is not ripe and/or moot.

Respectfully submitted,

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² There has been no discovery provided by any one of the four remaining defendants to the government.

/s/ Nicole Dana

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CERTIFICATE OF SERVICE

On November 18, 2015, I electronically submitted the following document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Criminal Procedure 49(b).

s/ P.J. Meitl

P.J. Meitl
Assistant United States Attorney